

Appl. No. 10/063,097
Docket No. GEN-0206

REMARKS / ARGUMENTS

Status of Claims

Claims 1-19, 21-24, 27-28, 31-34 and 38-46 are pending in the application and stand rejected. Of the pending claims, Applicant has canceled Claims 2-7, 34, 39, 42 and 44-46, and has amended Claims 1, 13-16, 18-19, 24, 38 and 41, leaving Claims 1, 8-19, 21-24, 27-28, 31-33, 38, 40-41 and 43 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

These amendments and accompanying remarks were not presented earlier because Applicant did not fully appreciate the nature of the Examiner's position until the Applicant was advised of the position during a May 21, 2004, teleconference between the Examiner and Applicant's Attorney. Applicant's Attorney thanks the Examiner for the additional clarification during that teleconference. The claim amendments presented herein, which Applicant respectfully requests entry thereof, should only require a cursory review by the Examiner.

Rejections Under 35 U.S.C. §102(b)

Claims 1-9 and 13-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Engel et al. (U.S. Patent No. 5,600,527, hereinafter Engel). Applicant traverses this rejection for the following reasons.

Engel discloses a circuit breaker 1 connected to a power system 3. The circuit breaker 1 has current transformers 7A, B, C, N and G, potential transformers 9A, B and C, and a ranging circuit 11. The circuit breaker 1 is used for protection and capture of the waveforms in the power system 3. (Col. 3, lines 32-41). Notably absent from Engel is any disclosure of a current sensor and a voltage sensor of a combined sensor shell disposed in signal communication with *only one phase* of a circuit breaker; and the

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combined sensor shell being placeable within the circuit breaker housing.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the *** claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Regarding Claims 1-9 and 13-21

Applicant has amended Claims 1 and 13 to include the elements of *a combined sensor shell*, a current sensor and a first voltage sensor *located in* the combined sensor shell *in signal communication with only one phase of* the circuit breaker, and the combined sensor shell being *placeable within* the circuit breaker housing. In comparing Engel with the instant invention, Applicant submits that Engel does not disclose these elements. More specifically, Applicant submits that while Engel may disclose current sensors 7A, 7B and 7C, and voltage sensors 9A, 9B and 9C, in a circuit breaker housing, Engel does not disclose a current sensor and a voltage sensor located in *a combined sensor shell that is in signal communication with only one phase of a circuit breaker* where *the sensor shell is placeable within the circuit breaker housing*, as claimed in the instant invention.

In alleging anticipation, the Examiner looks to Figure 1 of Engel to find combined current and voltage sensors that are combined within the same plastic housing of the breaker. (Paper 20040308, page 2). If the Examiner's allegations are taken as true, then

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Engel necessarily cannot disclose a combined current and voltage sensor shell in signal communication with only one phase of the circuit breaker since Engel discloses the breaker housing in signal communication with multiple phases, and Engel necessarily cannot disclose a combined sensor shell placeable within the circuit breaker housing since Engel discloses the sensor shell as being the circuit breaker housing which cannot be placeable within itself.

In view of the foregoing, Applicant submits that Engel is not only absent elements of the claimed invention, but also discloses substantially different subject matter to the claimed invention.

Dependent claims inherit all of the limitations of the respective parent claim.

Regarding Claims 2-9 and 14-21

The Examiner alleges that Engel discloses the claimed invention, including a configuration plug. During the May 21, 2004, teleconference between the Examiner and Applicant's Attorney, the Examiner provided clarifying remarks to the effect that item 11 is considered by the Examiner to be the configuration plug.

In respectful disagreement with the Examiner, Applicant finds item 11 to be a ranging circuit that converts the current and voltage signals to a suitable range for conversion. (Col. 3, lines 39-41). Furthermore, Applicant views Engel as disclosing ranging circuit 11 as a hard wired circuit, which is evidenced by Figure 1 and the absence of language to the contrary.

In comparing Engel to the instant invention, Applicant finds no disclosure in Engel regarding item 11 being a *detachable configuration plug*, and finds no disclosure in Engel regarding item 11 being a detachable configuration plug that is *operable to configure a first voltage sensor, a second voltage sensor, and a third voltage sensor in either a wye or a delta configuration*, as claimed in the instant invention.

Absent anticipatory disclosure in Engel, Engel simply cannot be anticipatory.

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In view of the amendment and foregoing remarks, Applicant submits that Engel does not disclose each and every element of the claimed invention and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. §102(b) has been traversed, and requests that the Examiner reconsider and withdraw all rejections under 35 U.S.C. §102(b).

Rejections Under 35 U.S.C. §103(a)

Claims 1-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Matsko et al. (U.S. Patent No. 5,936,817, hereinafter Matsko) in combination with Peterson et al. (U.S. Patent No. 5,420,799, hereinafter Peterson). The Examiner comments that Matsko discloses the claimed invention at Figure 2, that Matsko does not disclose the utilization of a technique for a voltage divider, and that Peterson cures this deficiency. (Paper 20040308, page 3). The Examiner alleges that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matsko by utilizing Peterson for the purpose of reducing energy consumption.

Applicant traverses the Examiner's rejections for the following reasons.

As referenced, Matsko discloses an electronic trip unit 13, a circuit breaker 12, current transformers 16A, 16B, 16C and 16N, and potential transformers 26A, 26B and 26C, for selectively enabling and disabling a close actuator mechanism 10. (Figure 2, col. 3, lines 9-58, and the title).

As referenced, Peterson discloses a resistor network (R22, R23, R24, R26, R27 and R28) on a printed circuit board (PCBA) that is part of a backpack unit (BPU) attached externally to a circuit breaker (CB). (Figures 4A and 14A).

Applicant submits that the combination of Matsko and Peterson are absent the disclosure of a combined current and voltage sensor having *a current sensor and a voltage sensor located in a combined sensor shell*, the combined sensor shell being disposed *in signal communication with only one phase of a circuit breaker*, and the *combined sensor shell placeable within the circuit breaker housing*, as claimed in Claims 1 and 13.

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Applicant further submits that the combination of Matsko and Peterson are absent the disclosure of a multiphase circuit breaker having *a detachable configuration plug* in electrical communication with a first, a second, and a third voltage sensor, the configuration plug being *operable to configure the first, the second, and the third voltage sensor in a wye configuration and/or a delta configuration*, as claimed in Claims 24, 38 and 41.

Dependent claims inherit all of the limitations of the respective parent claim and any intervening claim.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

In comparing the combination of Matsko and Peterson with the claimed invention, Applicant respectfully submits that the combination is deficient in its disclosure of each and every element of the claimed invention. Specifically, and in respectful disagreement with the Examiner, Applicant submits that the combination is absent any teaching of *a combined sensor shell* for housing current and voltage sensors, the combined sensor shell being disposed *in signal communication with only one phase of a circuit breaker*, and *the combined sensor shell being placeable within the circuit breaker housing*, as claimed in Claims 1 and 13. Furthermore, Applicant submits that the combination is absent any teaching of *a detachable configuration plug operable to configure voltage sensors in either a wye or a delta configuration*, as claimed in Claims 24, 38 and 41.

While the Examiner has suggested that the combination discloses the claimed invention, the Examiner has not stated with any degree of specificity where in the

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combination such elements may be found. Accordingly, the Examiner has not met the burden of showing a prima facie case of obviousness.

In view of the amendments to the claims and the additional remarks presented herein, Applicant respectfully submits that the references fail to teach or suggest each and every element of the claimed invention and disclose a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

In view of the foregoing remarks and amendments, Applicant respectfully submits that the proposed amendments comply with 37 C.F.R. §1.116 and should therefore be entered, and with their entry that the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) have been traversed, and that the application is now in condition for allowance. Such action is therefore respectfully requested.

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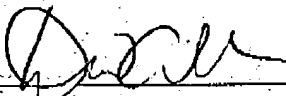
The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

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